

**BOONE COUNTY
BOARD OF ZONING APPEALS**

A. Petition Number:	15SC-7-052
B. Applicant:	Cross County Consulting, LLC representing DSR Properties
C. Identification Number:	Tax Parcel [009-01940-00]
D. Location:	The location of this petition is 9989 West County Road 550 North; Thorntown, IN 46071.
E. Parcel Size:	<p><u>History of Parcel</u> The subject property was 8 acres at the time of the Enacted Boone County Zoning Ordinance (November 1, 1998). Since the enacted date of the Ordinance, the 8 acre parent tract was split into the following 2 Parcels:</p> <p>Parcel 1 [Tax Parcel: 009-01940-00] was created by way of Deed on August 28, 2002 and granted to James Okeefe. The property was transferred and is currently owned by DSR Properties</p> <p>Parcel 2 [Tax Parcel: 009-019-4001] was created by way of Deed on August 28, 2002 and granted to James Okeefe. The property was transferred and is currently owned by Jeff Woodruff.</p> <p><u>Ordinance Process</u> Per the Boone County Zoning Ordinance, prior to issuance of an Improvement Location Permit, any single family residence in the General Agricultural Zoning District must receive Special Exception approval.</p>
F. Lot Size and Zoning:	<p>Lot Size: 6 acres</p> <p>Zoning Classification: General Agricultural</p>
G. Action Requested:	<p><u>Special Exception</u> The applicant is seeking a Special Exception for the allowance of constructing a new single family residence in the Agricultural District.</p>
H. History:	<p><u>History of Application Submittal</u> This is the first time this item has appeared before the Board of Zoning Appeals.</p>
I. Soils:	<p><u>Boone County Health Department</u> The office received a set of soil borings dated March 17, 2015 for the proposed lot located at 9989 West County Road 550 North; Thorntown, IN 46071. The soil borings were taken by Tom Adams.</p>

In general, the soil borings for this lot are suitable for an in-ground septic system as long as no soil disturbance occurs in the soil boring area between the date of when the borings were taken and the date of when the septic system is installed. Drainage will need to be available for this lot due to the seasonal high water table.

J. Utilities:

Septic and Well Facilities

This site will be provided with septic and well facilities.

**K. Technical Advisory
Committee Comments:**

This item was reviewed by the (TAC) Technical Advisory Committee on December 30, 2014 and had the following comments:

Boone County Health Department

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Boone County Surveyors Office

In review of this request, a drainage outlet has been identified. In the event this Special Exception application is approved, the applicant will need to submit for a drainage permit.

Boone County Highway Department

The proposed location of the driveway on County Road 1000 West will need to receive a driveway permit from the Boone County Highway Department.

Boone County Area Plan Commission

The review of the evaluation criteria for the Special Exception and Associated Variance can be found below:

**L. Standard for Evaluation-
Special Exception:**

Evaluation Standard -1

The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals or general welfare.

As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC) meeting, APC staff finds the petitioner has demonstrated to APC staff the ability to satisfy the zoning provisions of the Ordinance. The ability to meet the standards of the Ordinance inherently uphold the protection of the police power and pose no threats to endanger the public, health, safety, morals, or general welfare of the community.

Evaluation Standard -2

The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC), APC staff finds in review of this petition, the application meets the standards of the zoning ordinance and poses no threat to the surrounding properties by the evidence submitted in the application for the future existence of the proposed single family home.

Evaluation Standard-3

The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the District.

The applicant has stated the special exception request is for the establishment of a building lot. In conducting property research on the property, the subject property is located in rural residential area, therefore, the future use of the property for a single residential dwelling will not impede adjacent properties from viable use of the land in the future.

Evaluation Standard-4

Adequate utilities, access road, drainage and other necessary facilities have been or are being provided.

The applicant has stated in the application, the proposed lot will provide area for on-site septic system and private well.

Septic System

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Drainage Outlet

The applicant has demonstrated a viable drainage outlet for the site and will need to apply for the required Drainage permit.

Access Road

The applicant acknowledges the fact it is necessary to receive a driveway permit.

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Evaluation Standard-5

Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion on the public roadways.

The addition of one additional point of ingress/egress on County Road 1000 West will not impair the traffic flow. The applicant will be required to apply for the necessary driveway permit.

Evaluation Standard-6

The Special Exception will be located in a district where such use is permitted and all other requirements set forth in the Boone County Zoning Ordinance which are applicable to such use will be met.

As found in Table 2, Authorized Uses of the Boone County Zoning Ordinance, a Single Family Dwelling is permitted by Special Exception in the Agricultural District, therefore, the applicant has conducted the legal process for allowing a new single family structure in the Agricultural Zoning District.

M. Staff Analysis:

Based on the submitted information, Area Plan Staff recommends approval of the Special Exception as presented contingent on the following conditions:

- 1) The applicant shall Sign a Right-to-Farm Agreement;
- 2) The applicant shall Sign a County Drainage Agreement;
- 3) The applicant shall show a 40' wide Agricultural Buffer which borders agricultural practices;
- 4) The Improvement Location Permit (ILP) issuance is subject to Final Technical Advisory Committee (TAC) review.